

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

#2

In re Application of: SCHAEFER, et al.

Serial No.: To Be Determined

Filed: Herewith

For: Biological Joint Construct

Art Unit: To Be Determined

Examiner: To Be Determined

Atty. Docket: 0273-0004

INFORMATION DISCLOSURE STATEMENT

Assistant Commissioner for Patents
Washington, D.C. 20231

Sir:

Listed on the accompanying Form PTO-1449 are documents that may be considered material to the examination of this application, in compliance with the duty of disclosure requirements of 37 C.F.R. §§ 1.56, 1.97 and 1.98.

Applicants reserve the right to establish the patentability of the claimed invention over any of the information provided herewith, and/or to prove that this information may not be prior art, and/or to prove that this information may not be enabling for the teachings purportedly offered.

This statement should not be construed as a representation that an exhaustive search has been made, or that there does not exist information more material to the examination of the present patent application. The Examiner is specifically requested not to rely solely on the material submitted herewith. It is further understood that the Examiner will review art of record in all 35 U.S.C. § 120 priority documents.

- ☒ 1. This Information Disclosure Statement is being filed within three months of the U.S. filing date OR before the mailing date of a first Office Action on the merits. No certification or fee is required.
- ☐ 2. The Information Disclosure Statement is being filed more than three months after the U.S. filing date AND after the mailing date of the first Office Action on the merits, but before the mailing date of a Final Rejection or Notice of Allowance.
- ☐ a. I hereby certify that each item of information contained in this Information Disclosure Statement was cited in a communication from a foreign patent office in a counterpart foreign application not more than three months prior to the filing of this Information Disclosure Statement. 37 C.F.R. § 1.97(e)(1).
- ☐ b. I hereby certify that no item of information in this Information Disclosure Statement was cited in a communication from a foreign patent office in a counterpart foreign application or, to my knowledge after making reasonable inquiry, was known to any individual designated in 37 C.F.R. § 1.56 (c) more than three months prior to the filing of this Information Disclosure Statement. 37 C.F.R. § 1.97(e)(2).
- ☐ c. Attached is our check no. _____ in the amount of \$200.00 in payment of the fee under 37 C.F.R. § 1.17(p).
- ☐ 3. This Information Disclosure Statement is being filed more than three months after the U.S. filing date and after the mailing date of a Final Rejection or Notice of Allowance, but before payment of the Issue Fee. It is hereby requested that the Information Disclosure Statement be considered. Attached is our check no. _____ in the amount of \$130.00 in payment of the fee under 37 C.F.R. § 1.17(i)(1).
- ☐ a. I hereby certify that each item of information contained in this Information Disclosure Statement was cited in a communication from a foreign patent office in a counterpart foreign application not more than three months prior to the filing of this Information Disclosure Statement. 37 C.F.R. § 1.97(e)(1).

- ☐b. I hereby certify that no item of information on this Information Disclosure Statement was cited in a communication from a foreign patent office in a counterpart foreign application or, to my knowledge after making reasonable inquiry, was known to any individual designated in 37 C.F.R. § 1.56(c) more than three months prior to the filing of this Information Disclosure Statement. 37 C.F.R. § 1.97(e)(2).
- ☐4. Relevance of the non-English language document(s) is discussed in the present specification.
- ☒5. The document(s) was/were cited in a corresponding foreign application. An English language version of the foreign search report is attached for the Examiner's information.
- ☐6. A concise explanation of the relevance of the non-English language document(s) appears below:
- ☐7. The Examiner's attention is directed to co-pending U.S. Patent Application No. _____, filed _____, which is directed to related technical subject matter. The identification of this U.S. Patent Application is not to be construed as a waiver of secrecy as to that application now or upon issuance of the present application as a patent. The Examiner is respectfully requested to consider the cited application and the art cited therein during examination.
- ☐8. Copies of the documents were cited by or submitted to the Office in Application No. _____, filed _____, which is relied upon for an earlier filing date under 35 U.S.C. § 120. Thus, copies of these documents are not attached. 37 C.F.R. § 1.98(d).


It is respectfully requested that the Examiner initial and return a copy of the enclosed PTO-1449, and to indicate in the official file wrapper of this patent application that the documents have been considered.

The Commissioner is hereby authorized to charge any fee deficiency, or credit any overpayment, to our Deposit Account No. 50-0622. A duplicate copy of this paper is enclosed.

Respectfully submitted,

SHANKS & HERBERT

By: _____


Shelly Guest Cermak
Reg. No. 39,571

Date: 12-10-01

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INFORMATION DISCLOSURE CITATION
(Use several sheets if necessary)

ATTY DOCKET NO.

0273-0006

SERIAL NO.

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APPLICANT(S)

SCHAEFER, et al.

13 Rec'd PCT/PTO

10 DEC 2001

FILING DATE

Herewith

GROUP

To Be Determined

U.S. PATENT DOCUMENTS

*EXAMINER INITIAL	DOCUMENT NUMBER	DATE	NAME	CLASS	SUBCLASS	FILING DATE IF APPROPRIATE
AA	5,374,550	20-12-94	Smith, R.L. et al.			

FOREIGN PATENT DOCUMENTS

		DOCUMENT NUMBER	DATE	COUNTRY	CLASS	SUBCLASS	TRANSLATION	
							YES	NO
	AB	3410631	27-09-84	DE				
	AC	3810803	12-10-89	DE				
	AD	0339607	02-11-89	EP				
	AE	0657178	14-06-95	EP				
	AF	WO95/22611	24-08-95	WO				

OTHER DOCUMENTS (Including Author, Title, Date, Pertinent Pages, Etc.)

	AG	Begley C.T. et al., "Comparative study of the osteoinductive properties of bioceramic, coral and processed bone graft substitutes," BIOMATERIALS, GB, ELSEVIER SCIENCE PUBLISHERS BV., BARKING, Bd. 16, Nr. 15, 1995-10-01, Seiten, pp. 1181-1185.
	AH	Gao X, et al., "Cationic Liposome-Mediated Gene Transfer," GENE THERAPY, MACMILLAN PRESS, BASINGSTOKE, GB, Bd. 2, Nr. 10, 1995-12-01, Seiten, pp. 710-722.

EXAMINER	DATE CONSIDERED
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*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609; Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

INFORMATION DISCLOSURE CITATION
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0273-0001

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U.S. PATENT DOCUMENTS

*EXAMINER INITIAL	DOCUMENT NUMBER	DATE	NAME	CLASS	SUBCLASS	FILING DATE IF APPROPRIATE

FOREIGN PATENT DOCUMENTS

		DOCUMENT NUMBER	DATE	COUNTRY	CLASS	SUBCLASS	TRANSLATION	
							YES	NO
	AI	WO96/03160	08-02-96	WO				
	AJ	WO96/39196	12-12-96	WO				
	AK	WO99/21497	06-05-99	WO				
	AL	WO99/25396	27-05-99	WO				
	AM	WO99/60951	02-12-99	WO				

OTHER DOCUMENTS (Including Author, Title, Date, Pertinent Pages, Etc.)

	AN	Gazit D., et al., "Engineered pluripotent mesenchymal cells integrate and differentiate in regenerating bone: a novel cell-mediated gene therapy," THE JOURNAL OF GENE MEDICINE, Bd. 1, 25-March-1999, Seiten, pp. 121-133.
	AO	International Search Report for International Application No. PCT/EP00/05313.

EXAMINER	DATE CONSIDERED
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*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609; Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.